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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Note verbale dated 9 February 1998 from the Permanent Mission of the State of Bahrain to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of the State of Bahrain to the United Nations Office at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to enclose herewith a comprehensive statement concerning the situation of human rights in the State of Bahrain.

The Permanent Mission hopes that the enclosed statement* would be circulated to all States Members of the United Nations as an official document under agenda item 10 of the Commission on Human Rights at its fifty-fourth session, scheduled to be held in Geneva from 16 March to 26 April 1998.

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* The annex is reproduced as received in the language of submission only.

Annex

Bahrain's Commitment
to
the Cause of Human Rights

• Introduction

1998 marks a cornerstone in the evolution of the family of nations. The world has achieved phenomenal progress, despite setbacks and; whilst there are many problems and challenges still to overcome, the international community must take time to look at its past achievements and consolidate the rapid gains made. This year we celebrate a major milestone in our global development; the 50th anniversary of the Universal Declaration of Human Rights. Bahrain, therefore, would like to take this opportunity to appraise you of its past achievements and future ambitions.

Bahrain became a member of the United Nations in 1971 but has, since its inception, participated fully and actively in international affairs, not just as a result of its strategic location, but through the strong determination of its people to share their values and experiences with other nations. This year Bahrain takes its seat as a rotating non-permanent member of the United Nations Security Council, and wishes to assure that it fully intends to redeem the trust placed in it by the international community when it achieved the almost unanimous backing of the member states (172 votes out of 174) during the elections in October, 1997. Bahrain will not shirk its responsibilities and recognizes the obligations it has to the world community. Bahrain will do its utmost to cooperate with all nations of the World Body to achieve the goals of the Organisation and fulfill the aspirations of the world's peoples.

• Protecting Human Rights

Five years on from the World Conference on Human Rights, the Government of the State of Bahrain wishes to repeat and reaffirm its solemn commitment to fulfill its obligations to promote, observe and protect all human rights and fundamental freedoms for both its citizens and the peoples of the world in accordance with the Charter of the United Nations and international instruments and law. The universality, indivisibility and interdependence of all human rights has always been recognised by the Government and has been a cornerstone of its policies both domestically and internationally.

The Government remains actively committed to the cause of human rights, both within its borders and throughout the world, and fully recognizes its responsibilities to uphold and protect the fundamental rights and freedoms of its citizens, without distinction as to race, sex, religion or language. The Government also is well aware of its primary responsibilities to provide its citizens with the environment in which they

can develop their true potential socially, and economically, whilst protecting them from fear, violence and terror.

In 1998, the Government has a full programme before it that will further enshrine its commitment to protecting its citizens' rights and promoting their well-being.

- **Cooperation for the Promotion and Protection of Human Rights**

The Government of the State of Bahrain believes wholeheartedly that the cause of human rights can only be advanced through international understanding and cooperation. The Government considers its obligations to the United Nations with the utmost seriousness and, consequently, is very concerned to cooperate fully with the High Commissioner for Human Rights and the Commission on Human Rights. In this regard, it actively strives for understandings and consultations with all the mechanisms of these respected bodies. The Government has set a policy of unqualified cooperation with the UN's human rights machinery and has continuing dialogue with the Office of the High Commissioner for Human Rights, its Working Groups and Special Rapporteurs. The Government has always responded to requests made in connection with various procedures, even when the allegations had no relevance of form or of substance, or were in contradiction of human rights principles because they had been formulated by individuals or extremist so-called associations established abroad, for purely political ends. In many instances these allegations concerned affairs that had been taken to the courts in full respect of the law and of international standards.

The Government also enjoys longstanding and close relationships with other agencies and organizations to promote development and humanitarian issues, and relieve suffering. In this connection, the Government refers to its well-established cooperation with the likes of the UNDP, UNWRA, UNHCR, UNICEF and the Red Crescent.

Reflecting the longstanding existing relationship of consultation and cooperation, the Government signed on 28th October, 1996 a Memorandum of Understanding with the International Committee of the Red Cross (ICRC). The goals and objectives of the ICRC are fully supported by the Government, which recognizes the benefit of the ICRC's commitment to humanitarian principles.

- **Universality of Human Rights**

The State of Bahrain recognizes that all human rights are universal, and has always urged the international community to treat human rights as a global concern. Whilst stressing that cultural and religious particularities must be observed, and accounted for, Bahrain regards the acceptance of international standards in human rights as an attainable goal which the world must work towards if the people of the world are to enjoy progress and development in the future.

The State of Bahrain is now a party to the Convention on the Rights of the Child, International Convention on the Elimination of All forms of Racial Discrimination, International Convention on the Suppression and Punishment of the Crime of Apartheid, and the Convention on the Prevention and Punishment of the Crime of Genocide. The Government of Bahrain continues to give the utmost importance to its obligations in respect of these conventions, and is giving serious consideration to becoming party to other international treaties in the field of human rights. However, Bahrain's accession to such instruments will only occur if it is appropriate to do so for the benefit of the Bahraini people and within the country's cultural, social and administrative framework. As an example of this, the Council of Ministers has carefully considered the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment with a view to Bahrain's accession thereto.

- **Development and Human Rights**

Bahrain is a very small island state with a rapidly growing population of almost 600,000. Bahrain is in fact the fifth most densely populated country in the world with over 800 people per square kilometer.

Bahrain's restrictive geography and limited resources, has developed a culture of innovation and far-sightedness in its people. Bahrain, compared to other Arabian Gulf States, is a small oil producer although the oil sector still accounts for 60% of Government revenues. Bahrain's policy has been to seek diversification in the economy; it has the most diverse industrial base of the Gulf States and one of the world's biggest aluminium smelters is located here. The island is the region's banking and financial services centre and is fast gaining a world-wide reputation for tourism and for its state-of-the-art international conference capability.

The total labour force is 272,000 of whom 62% are expatriates. The Government's ongoing commitment to Bahrainisation will, of course, redress this balance and the Ministry of Labour and Social Affairs is striving to create a trained workforce and to match skills with employment opportunities. The Ministry's target is to enter on average 6,000 nationals into the workforce annually, and to establish Bahrain as a regional centre of training excellence.

As well as providing its citizens with a sound economic base, the Government allocates substantial provision for free education, free healthcare and welfare. The adult literacy rate is 84.4% compared to 54.7% in other Arab states. In the target group of people aged 10 to 44 years, the illiteracy rate is down to 5.35% and the Government plans to reduce this to 0% by the year 2000. Its investment in health services is unmatched amongst developing nations and average life expectancy is 72 years, compared to an average of 62.9 for all Arab countries.

Bahrain's achievements are recognised in the UNDP Human Development Report for 1997, which ranks Bahrain first in the Arab world for its achievements in the human development field for the third consecutive year.

Citizens enjoy direct personal access to the country's Amir and Government officials and there is wide-spread public discussion and deliberation on essential issues. Formal and informal systems to enable such participation have evolved through the years in line with the country's culture and beliefs and also the wishes of its people. The Consultative [Shura] Council is the latest manifestation of this evolutionary development, as is the planned Governerate system presently being implemented. The Council is composed of 40 members representing a broad cross-section of the Bahraini community and includes academics, lawyers and businessmen. The Council has considerable powers to initiate and review legislation and has actively taken a lead on many contentious, social and economic issues. Other democratic institutions exist at a grass-roots level and further democratic developments will occur, but only as a result of the will of the people of Bahrain.

Without a society's comprehensive development, there can be no progression of human rights, and without respect for human rights, a society cannot develop. These examples of Bahrain's far-reaching development, would not have occurred save for Bahrain's recognition and promotion of all the rights of its citizens.

- **Racial Discrimination**

Article 18 of the Constitution of the State of Bahrain enshrines Bahrain's long-held belief that racism has no part in its society. This Article provides that:

"People are equal in human dignity, and citizens shall be equal in public rights and duties before the law, without discrimination as to race, origin, language, religion or belief."

It should also be noted that racism and racial discrimination is against the principles of the Shari'a, from which, of course, Bahrain's spirit of friendship and tolerance is derived. In recognition of this long history of liberality and its tradition of tolerance, Bahrain acceded to the International Convention on the Elimination of all Forms of Racial Discrimination on 27th March, 1990.

Bahrain has long been recognised and revered as a peaceful, progressive and diverse society whose tolerance is beyond reproach. Bahrain's large expatriate population work in numerous fields alongside Bahrainis. Bahrain is a unique social environment where individuals can freely practice their religious beliefs and rituals in an atmosphere of religious tolerance, security and stability and without fear of discrimination, persecution or interference. This is a fact recognised by the United States State Department Freedom of Religion Report 1997.

Any citizen, regardless of their race, religion or ethnic background has equal access to Bahrain's education and health services, welfare provision and employment opportunities.

- **Women's Rights**

Respect for the rights of women is of special concern to the Government of Bahrain. Women's participation in the development of the country has been encouraged and nurtured as the Government has sought to maximize the use of its human resources. Bahrain's labour laws do not discriminate against women. The Government has encouraged the employment of women, and activated special laws to promote female entry into the workforce and is, itself, a leading employer of women. Bahrain fully supported and participated in the Fourth World Conference on Women in Beijing in 1995 and promotion of women's rights will continue to be central to Bahrain's economic and social policies.

Cognizant of its Islamic background, Bahrain jealously guards its achievements in developing women's rights and the role played by women in its society is unique to the region. Women live and work in an environment of tolerance, liberation and respect and one in which their abilities and skills are justly rewarded. Bahrain is proud too of its record in female education, the proof of which is in the high rate of female literacy - female adult literacy in Bahrain is 77.6% compared to an average of 40.6% in the Arab world. Such a female literacy rate is the highest for any Arab or Islamic country.

- **Rights of the Child**

Bahrain's accession, on 13th February, 1992 to the Convention on the Rights of the Child and its signature to the World Declaration and Plan of Action continues its longstanding beliefs concerning the special status of children. The Supreme Council for Youth & Sports has been actively engaged, alongside all concerned Government departments, in the protection and advancement of Bahrain's young people. Specific criminal laws, procedures and establishments ensure that Bahrain is in accord with its international obligations as well as its own high values.

Children's rights are also protected by a comprehensive social welfare network and independent and quasi-governmental organisations play an active part in protecting children by providing counselling, legal assistance, advice and, in extreme cases, shelter and financial support to distressed children and families. Bahrain is concerned that children should not be abused or exploited. The minimum age for employment is 14 years of age. Juveniles between the ages of 14 and 16 years may not be employed in hazardous conditions or at night and may not work more than six hours per day. The child labour laws are effectively enforced by the Ministry of Labour and Social Affairs.

As previously stated, Bahrain's children enjoy free healthcare and education and Bahrain now has one of the lowest infant mortality rates in the world. The Government's commitment to the development and protection of the nation's youth has been further underlined by the decision to establish a national committee for childhood, which will consolidate and enhance youth programmes nationwide. The committee will have the involvement of relevant Government Ministries and national organisations.

- **The Rights of the Disabled Person**

Bahrain's laws protect the rights of people with disabilities, and a variety of governmental, non-governmental and religious institutions are mandated to support and protect disabled persons. Regional centres for the treatment of the blind and for the education of the deaf are headquartered in Bahrain. The Government is required by law to provide vocational training for disabled persons wishing to work and maintains a list of certified, trained disabled persons. The labour laws also require companies with 100 employees or more to allocate 2% of all jobs to the handicapped. Of the approximately 4,000 handicapped Bahrainis (1991 Census), almost 600 are employed in either the public or the private sector. In addition, the Government's housing regulations require that access be provided to disabled persons.

- **The Situation in Bahrain**

The true background to the situation - against which all reports of alleged human rights abuses and political instability must be viewed - is that since mid-1994, Bahrain has been dealing with a well planned, pre-meditated and foreign-backed terrorist campaign aimed at destabilizing the country. In June 1996, the authorities in Bahrain uncovered a plot by the so-called "military wing of Hizbollah-Bahrain" to overthrow the Government by force, and to establish a fundamentalist theocratic regime. Considerable evidence has been amassed by the Bahraini authorities in connection with the establishment of the "military wing of Hizbollah-Bahrain" in 1993, the recruitment of members, and their military training in camps in neighbouring countries. Investigations have also uncovered evidence of the organisation and funding of the terrorists, and their extensive connections to political and propaganda groups, both in Bahrain and abroad. Bahrain has received widespread international support for the measures it has taken to defend its sovereignty and counter the terrorist threat.

- **Bahrain's Experience**

The Government of Bahrain has consistently explained that the terrorists enjoy the support of a small, but extremely well organized web of foreign-based groups and individuals who specialize in distributing propaganda in support of the terrorists' cause. Such groups and individuals frequently employ sophisticated means to transmit this propaganda, and have shown themselves willing cynically to abuse the

international human rights movement in order to further their extremist agenda. Allegations of human rights abuses, having absolutely no foundation in reality, are fabricated and targeted to dupe respected human rights groups with a view to tarnishing Bahrain's standing in the international community. The Government of Bahrain has sought to draw attention to the source of such allegations, and the fact that their propaganda is not credible and should be treated with the utmost caution.

The terrorists, and their propagandists supporters abroad, have no genuine interest in improving the human rights and freedoms of the citizens of Bahrain. These are merely platforms, manipulated and exploited, by which they seek support for their campaign of violence against the Bahrain community. This campaign has included murder, arson, the planting of bombs, and the destruction of public and private property. There can be little doubt that the terrorists have been the perpetrators of gross human rights violations in Bahrain and the Government continues to extend its sympathies to the victims.

- **Combating Terrorism**

The Government refers to paragraph 17 of the Vienna Declaration and Programme of Action and its recognition that terrorism in all its forms and manifestations is aimed at the destruction of human rights and must be fought by international cooperation. Similarly, the United Nations Commission on Human Rights voiced its unequivocal opposition to terrorism in its resolution 1997/42, which provides at operative paragraph 2:-

"Reiterates the unequivocal condemnation of all acts, methods and practices of terrorism, regardless of their motivation, in all its forms and manifestations, wherever and by whomever committed, as acts of aggression aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Government, undermining pluralistic civil society and having adverse consequences for the economic and social development of States".

There has been no deterioration of the human rights situation in Bahrain and the Government has, through its legitimate police forces and the proper application of the Rule of Law, dealt with the situation in an entirely fair, and even-handed manner balancing the requirements of public order and individual rights. All persons arrested in connection with the civil disturbances have been detained in accordance with the

law for violence or terrorist related offences. Issues of detention, trial and release are determined independently by due process of law, without discrimination or interference, and in compliance with the UN Principles regarding Fair Trial and Treatment of Prisoners. Prisoners are not held incommunicado, or mistreated in any way, but are detained in humane conditions and accorded all their rights of welfare, visitation, and medical care strictly in accordance with the law. Practical safeguards are in place to prevent the use of torture or undue force, both of which are, of course, unlawful. The Agreement with the ICRC includes standard ICRC terms under which the ICRC conducts independent inspection visits to prisoners in Bahrain with the Government's full and unqualified cooperation.

Despite extreme violence and provocation, the authorities have ensured total respect for the Rule of Law and Bahrain's Constitution has been upheld. Article 19 of the Constitution provides:-

a) *Personal liberty is guaranteed in accordance with the law.*

b) *No person shall be arrested, detained, imprisoned, searched or compelled to reside in a specified place, nor shall the residence of any person or his liberty to choose his place of residence or his liberty of movement be restricted, except in accordance with the law and under the supervision of the judicial authorities.*

c) *No detention or imprisonment shall be imposed in places other than those specified in the prison laws. In these places health and social welfare shall be observed, and they shall be subject to the supervision of the judicial authorities.*

d) *No person shall be subjected to physical or mental torture, enticement or degrading treatment, and the law shall provide the penalty for these acts.*

Any statement or confession shall be null and void if it is proved to have been made under duress or enticement or degrading treatment or threat thereof.

The right to trial is enshrined by Article 20 of the Constitution and guarantees of a fair trial are accorded by the comprehensive provisions of the 1966 Code

of Criminal Procedure, which must be strictly applied by the Courts. Lawyers and the Judiciary are entirely independent and not interfered with in any way by the Government

- **Summary**

In keeping with its own traditions of progress, evolution and innovation, the State of Bahrain continues to undergo reforms and restructuring in many key sectors of its society. Its continuing complete respect for the principles of freedom and the rule of law will ensure that it can meet the aspirations of its people to realize these high ideals and objectives in both domestic and international arenas. It is steadfastly committed to the conviction that peace, stability and development are the essential conditions for creating the atmosphere of liberty and self-respect in which citizens can properly enjoy their full rights and freedoms.

Bahrain, having embraced these domestic and international changes, now looks forward with great hope to the establishment of an international community enjoying development, prosperity and respect for freedom and dignity.

The Government of the State of Bahrain urges all states to re-double their efforts to ensure the promotion and protection of all human rights in accordance with the Universal Declaration of Human Rights.

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